

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Fisher et al.	CONFIRMATION. NO.:	6505
SERIAL NO.:	10/579,513	GROUP ART UNIT:	Not Yet Assigned
FILED:	May 12, 2006	EXAMINER:	Not Yet Assigned
TITLE:	Deep Well Irrigation Pump		

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Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.497(d)

This paper is being filed in response to the Decision dated January 30, 2008, of the U.S. Patent Office regarding the submission of inventor declarations in the above referenced patent application. Applicants respectfully submit the papers being filed herewith meet the statutory requirements and request grant of this renewed petition. A summary of events follows.

- On behalf of its client KickStart International, Inc., Goodwin Procter, LLP (“Goodwin Procter”) filed the above-referenced utility application, United States Serial No. 10/579,513 (“the ‘513 application”), in the United States Patent and Trademark Office (“USPTO”) on May 12, 2006, in the name of Martin J. FISHER, Lawrence E. CARLSON, Ari T. ADLER, Shilajeet BANERJEE, Jonathon I. KAPLAN, Christine M. KURJAN, Ben TARBELL, Opher Doron YOM-TOV, Robert Ian LISTER, Alan Charles SPYBEY, and Abdilkadir Mohammed MUSA.
- Subsequently, on February 28, 2007, a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office indicating that an executed oath or declaration needed to be submitted to the USPTO was mailed to Goodwin Procter by the USPTO.

- On May 18, 2007 Applicants filed a Petition Under 37 C.F.R. § 1.47(a): Filing When an Inventor Cannot be Reached along with declaration and power of attorney forms executed by Messrs. FISHER, CARLSON, ADLER, BANERJEE, KAPLAN, TARBELL, YOM-TOV, LISTER, SPYBEY and Ms. KURJAN. The Petition Under 37 C.F.R. § 1.47(a) requested the acceptance of the application without the signature of inventor Abdilkadir Mohammed MUSA. Assignee, KickStart International, Inc. (“KickStart”), had made repeated attempts to contact Mr. MUSA and to obtain the executed declaration and power of attorney from him, but as of May 18, 2007, KickStart had been unable to reach Mr. MUSA.
- On August 27, 2007, a Decision on Renewed Petition Under 37 C.F.R. § 1.47(a) was issued by the PCT Legal Office, dismissing the Petition Under 37 C.F.R. § 1.47(a) indicating, *inter alia*, that Applicants have not provided sufficient evidence regarding the non-signing inventor’s refusal to sign the application papers.¹
- On November 27, 2007, Applicants filed a Renewed Petition Under 37 C.F.R. § 1.47(a) with a declaration executed by the previous non-signing inventor, along with a Petition Under 37 C.F.R. § 1.497(d) to remove Mohammed SWALEH as an inventor.
- On January 30, 2008, a Decision on Renewed Petition Under 37 C.F.R. § 1.47(a) and Petition Under 37 C.F.R. § 1.497(d) was issued by the PCT Legal Office, dismissing the Petition Under 37 C.F.R. § 1.47(a) as moot and dismissing the Petition Under 37 C.F.R. § 1.497(d) to delete Mohammed SWALEH as an inventor. The Decision stated that an oath or declaration that names an inventive entity different than that set forth in the international application will not be accepted for purposes of entering the U.S. national phase unless the requirements under 37 C.F.R. § 1.497(d) are satisfied. The declarations submitted by the Applicants in the national phase application on May 24, 2007 and November 27, 2007 were found to not comply with 37 C.F.R. § 1.497(a) and (b) because the declarations did not identify all of the inventors identified in international application PCT/US04/38130. Specifically, Mohammed SWALEH was not named as an inventor on

¹ Petitioner notes that the reference to the “Renewed Petition” in the Decision seems to be in error, since only a single petition was filed.

the declarations submitted and, therefore, the declarations were found to not be executed by all of the joint inventors.

Applicants' attempt to delete Mohammed SWALEH as an inventor with the submission of a Petition Under 37 C.F.R. § 1.497(d) was found to not satisfy item (1) of 37 C.F.R. § 1.497(d), which requires "a statement...from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intent on his or her part."

Accordingly, Applicants enclose herewith a newly executed declaration that names all the inventors set forth in the international application, including Mohammed SWALEH, in compliance with 37 C.F.R. § 1.497(a) and (b).

In view of the fact that a newly executed declaration complying with 37 C.F.R. § 1.497(a) and (b) is being submitted herewith, it is respectfully requested that this Renewed Petition Under C.F.R. § 1.497(d) be granted and the filing requirements for the '513 application be considered fulfilled.

Please charge Deposit Account No. 107-1700 \$60.00 for the fee associated with the one-month extension of time under 37 C.F.R. 1.136(a). No additional fees are believed to be due; however, in the event that any additional fees are due, please charge such fees to Deposit Account No. 07-1700.

Respectfully submitted,

Date: April 30, 2008
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